



DOCKET FILE COPY ORIGINAL

Federal Communications Commission  
Washington, D.C. 20554

Ward  
92-77  
RECEIVED

SEP 7 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

SEP 1 1994

Stop Code 1600A2  
IC-94-13376  
9403901

Honorable Owen Pickett  
U.S. House of Representatives  
2430 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Pickett:

Thank you for your August 4, 1994 letter on behalf of Mr. Robert J. McCabe, Sheriff of Norfolk, Virginia, regarding the Commission's Billed Party Preference (BPP) proceeding. On May 19, 1994, the Commission adopted a Further Notice of Proposed Rulemaking in this proceeding. I have enclosed a copy of the Further Notice and press release accompanying it for your information.

The Further Notice sets forth a detailed cost/benefit analysis of BPP. This analysis indicates, based on the available data, that the benefits of BPP to consumers would exceed its costs. The Further Notice seeks comment on this analysis and asks interested parties to supplement the record concerning the costs and benefits of BPP. The Further Notice also invites parties to recommend alternatives to BPP that could produce many of the same benefits at a lower cost.

The Further Notice also explicitly seeks comment on whether correctional facility telephones should be exempt if BPP is adopted. Specifically, the Further Notice seeks additional information on the effectiveness and costs of controlling fraud originating on inmate lines with or without BPP. The Further Notice also seeks comment on a proposal to exempt prison telephones from BPP if the operator service provider adheres to rate ceilings for inmate calling services.

BPP would not preclude prison officials from blocking or limiting inmate calls to specific telephone numbers in order to prevent threatening and harassing calls. For example, BPP would not affect the ability of prison officials to limit inmates to collect calling or to program telephone equipment at the prison site to block certain numbers.

Honorable Owen Pickett

2.

Thank you for your interest in this proceeding. I can assure you that the Commission will carefully examine all of the comments submitted in response to the Further Notice, including additional empirical data regarding the costs and benefits of implementing BPP and the impact of BPP on telephone service from correctional facilities. We are including a copy of your letter and enclosure with the public file on this proceeding.

Sincerely,

*Robert W. Spangler*

Robert W. Spangler  
Deputy Chief (Policy)  
Enforcement Division  
Common Carrier Bureau

Enclosures



CCB  
92-177

3901

OWEN PICKETT  
2ND DISTRICT  
VIRGINIA

CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C. 20515

COMMITTEES:  
ARMED SERVICES  
MERCHANT MARINE & FISHERIES

August 4, 1994

94013376

Ms. Lauren J. Belzin  
Acting Director, Office of Legislative Affairs  
Federal Communications Commission  
1919 M Street, NW, Room 808  
Washington, D.C. 20554

Dear Ms. Belzin:

The enclosed correspondence from a constituent of mine, Sheriff Robert McCabe of Norfolk, Virginia, is being forwarded to you for such comment and explanation that you may be able to provide. It would be appreciated if you could provide a response to this inquiry.

Thank you in advance for your attention to this matter.

With kindest regards, I am

Sincerely yours,

Owen Pickett  
Member of Congress

OP/swc  
Enclosure



*The Office of the Sheriff*  
*Norfolk, Virginia*



July 27, 1994

ROBERT J. McCABE  
Sheriff

P. O. Box 2811  
Norfolk, VA 23501-2811  
(804) 441-2341

The Honorable Owen B. Pickett  
Representative in Congress  
Suite 216  
112 East Little Creek Road  
Norfolk, VA 23505

Re: Opposition to Billed Party Preference; CC Docket No. 92-77

Dear Representative Pickett:


As the Sheriff of Norfolk which is the most populated urban jail in Virginia, I am opposed to the application of Billed Party Preference at inmate facilities.

I have analyzed the security my administration needs at the Norfolk City Jail and have found it to be necessary to route inmate calls from our facility to a single carrier that is equipped to handle inmate calls and with whom we have a contractual relationship.

I cannot allow inmates to have open access to the telecommunications network and the freedom to use any carrier they please. Billed Party Preference will take away our rights to coordinate inmate calls through a carrier who we know and trust. Instead inmate calls will be routed to a number of different carriers none of whom will have any obligations to us, and few that will be trained to handle inmate calls.

I am sensitive to the rates inmate families pay for calls. I fully appreciate the FCC's concerns if some sheriffs do not take responsibility for protecting inmate families from abusive rates. I do not agree with the FCC, however, that the solution for this lack of responsibility is Billed Party Preference. The proper and more effective action would be to adopt rate ceilings on inmate calls and then let sheriffs force these rate ceilings through their contract.

I believe the overwhelming majority of sheriffs are committed to requiring rates that are fair and reasonable. In short, Billed Party Preference would take away my ability to employ important security and administrative measures that I have found to be necessary at the Norfolk City Jail, ultimately reducing inmate phone availability which in turn decreases the efficiency of my staff. I urge you not to adopt regulations that interfere with our administrative and security decisions - decisions that are clearly within our discretion in which we have a public responsibility to make. With kindest regards I remain,

  
Robert J. McCabe,  
Norfolk Sheriff

RJM/akgl